

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NEW YORK CITY	:	
DISTRICT COUNCIL OF CARPENTERS	:	
PENSION FUND, WELFARE FUND,	:	
ANNUITY FUND, AND APPRENTICESHIP,	:	21-cv-719 (VSB)
JOURNEYMAN RETRAINING,	:	
EDUCATIONAL AND INDUSTRY FUND, et	:	<u>ORDER</u>
al.,	:	
	:	
Petitioners,	:	
	:	
-against-	:	
	:	
NORTHE GROUP, INC.,	:	
	:	
Respondent.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

On January 26, 2021, Petitioners filed a complaint seeking confirmation of an arbitration award. (Doc. 1.) Petitioners filed an affidavit of service on January 26, 2021, (Doc. 8), and a certificate of service on February 1, 2021, (Doc. 9). Defendant's answer was due on February 19, 2021. I referred this case to Magistrate Judge Gabriel W. Gorenstein on July 25, 2021. (Doc. 10.)

In this Circuit, confirmation proceedings for arbitration awards must be "treated as akin to a motion for summary judgment." *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006). The time for Respondent to respond to Petition has lapsed, and Respondent has failed to notice an appearance or request an extension. Accordingly, it is hereby:

ORDERED that my Order referring to this action to Magistrate Judge Gorenstein, (Doc. 10), is MODIFIED to refer this action to him for a Report and Recommendation on any summary judgment motion that the parties make.

IT IS FURTHER ORDERED that Petitioners are directed to 1) obtain a Certificate of Default from the Clerk's office, 2) file and serve any additional materials with which they intend to support their petition for confirmation which shall include, at minimum, (a) a certified copy of the arbitral award¹ and (b) sworn or certified copies of the underlying contracts at issue,² and 3) move for summary judgment based on their motion on or before August 17, 2021.

IT IS FURTHER ORDERED that Petitioners shall serve a copy of this Order on Respondent, and file proof of such service on the docket.

SO ORDERED.

Dated: July 28, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is stylized with a large, looped "V" and a cursive "Broderick".

Vernon S. Broderick
United States District Judge

¹ See *United States v. Speakman*, 594 F.3d 1165, 1172 n. 4 (10th Cir. 2010) (declining to take judicial notice of an arbitration award because arbitral organization was not a public agency).

² See Wright & Miller, 10A *Fed. Prac. & Proc. Civ.* § 2722 (3d ed. 2014) (noting “an affidavit purporting to present the substance of contracts ... [is] insufficient to prove the terms of the agreements unless sworn or certified copies of them are attached to the affidavit”).